

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PHILADELPHIA**

DOUGLAS MARLAND, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, *et al.*,

Defendants.

Civil Action No. 2:20-cv-4597-WB

ORDER

AND NOW, this _____ day of _____, 2020, on consideration of Defendants' Uncontested Motion for Enlargement of Time, it is ORDERED that the Motion is GRANTED. Defendants shall file their written response to Plaintiffs' motion for a temporary restraining order no later than 12:00 PM ET on Wednesday, September 23, 2020; and Plaintiffs shall file a reply, if any, no later than 5:00 PM ET on Friday, September 25, 2020.

BY THE COURT:

The Hon. Wendy Beetlestone
United States District Judge

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DOUGLAS MARLAND, *et al.*,

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Defendants.

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**DEFENDANTS' UNCONTESTED MOTION FOR ENLARGEMENT OF TIME DUE TO
POSTPONEMENT OF SEPTEMBER 20 RESTRICTIONS**

Defendants hereby move this Court for an enlargement of time in which to file a written response to Plaintiffs' motion for a temporary restraining order, and in support thereof state:

1. Earlier this evening, the Department of Commerce determined to delay implementation of the announced prohibitions for TikTok that would otherwise have gone into effect on September 20, 2020 by an additional week, *i.e.*, until 11:59PM ET on September 27, 2020. This extension is a result of ongoing discussions related to the possible corporate restructuring of TikTok. The Department of Commerce announcement of this postponement is available online, and states as follows:

In light of recent positive developments, Secretary of Commerce Wilbur Ross, at the direction of President Trump, will delay the prohibition of identified transactions pursuant to Executive Order 13942, related to the TikTok mobile application that would have been effective on Sunday, September 20, 2020, until September 27, 2020 at 11:59 p.m.

See Statement on Delayed Prohibitions Related to TikTok, <https://www.commerce.gov/node/3189>.

2. As a result of this postponement, Defendants respectfully submit that there is no need for the Court to rule on Plaintiffs' motion prior to the originally scheduled deadline of September 20, 2020.

3. Additionally, Defendants respectfully submit that there is no longer any need for Defendants to file an expedited response to Plaintiffs' motion by 9:00 PM tonight. Defendants respectfully submit that providing Defendants a longer period of time to prepare a response would promote judicial economy, by allowing undersigned counsel to conduct more fulsome research and analysis regarding Plaintiffs' claims prior to filing a written response.

4. Accordingly, Defendants respectfully request a brief extension of time for their written response to Plaintiffs' motion for a temporary restraining order—*i.e.*, until 12:00 PM ET on Wednesday, September 23, 2020.

5. Should any additional developments regarding this matter occur prior to the deadline set forth above, Defendants will meet-and-confer with Plaintiffs' counsel regarding those developments and their impact, if any, on this matter.

6. Undersigned counsel conferred with Plaintiffs' counsel regarding the requested extension, and Plaintiffs' counsel stated as follows: "The DOJ has asked that we agree to an extension of your deadline to respond to the TRO motion, in view of the Department of Commerce's decision to delay the prohibitions in the implementing regulations until 11:59 p.m. September 27. Plaintiffs agree to an extension of your deadline to Wednesday at noon, so long as they have an opportunity to reply no later than 5 p.m. Friday. Of course, if the court wishes to set a different schedule, we'll of course abide by that."

Dated: September 19, 2020

Respectfully submitted,

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

AUGUST FLENTJE
Special Counsel to the Acting
Assistant Attorney General

ALEXANDER K. HAAS
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/s/ Daniel Schwei
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Motion for Enlargement of Time and Supporting Memorandum have been served by ECF on all parties of record.

/s/ Daniel Schwei

DANIEL SCHWEI
Special Counsel
U.S. Department of Justice

Dated: September 19, 2020